

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference <b>3801P120PCT</b>		Date of mailing (day/month/year) <b>28 MAR 2005</b>
International application No. <b>PCT/US04/17641</b>		International filing date (day/month/year) <b>03 June 2004 (03.06.2004)</b>
Priority date (day/month/year) <b>06 June 2003 (06.06.2003)</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International Patent Classification (IPC) or both national classification and IPC <b>IPC(7): G06F 17/60 and US Cl.: 705/37</b>		
Applicant <b>EBAY INC.</b>		

I. This opinion contains indications relating to the following items:

- ☒ Box No. I      Basis of the opinion
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☒ Box No. VIII      Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Charles Kyle <i>[Signature]</i> Telephone No. (703) 305-4458
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/17641

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-40</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-40</u>	NO
Industrial applicability (IA)	Claims <u>1-23, 40</u>	YES
	Claims <u>24-39</u>	NO

**2. Citations and explanations:**

Claims 1-40 lack an inventive step under PCT Article 33(3) as being obvious over US 5,878,139 Rosen in view of US 2002/0010591 A1 Pomerance. As to Claim 1, Rosen discloses the invention substantially as claimed, including in a computerized dispute resolution system (Background of the Invention), a process where a complaint associated with a transaction is received from a first party (Col. 28, lines 58-65), sending the request to a second party and receiving resolution information from the second party (Col.29, lines 16-33) and automatically providing restitution associated with the transaction to the first party (Col. 29, lines 34-57). Rosen does not specifically disclose a memory in the computer Pomerance discloses this at para. 45, database system 16. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosen to include the memory of Pomerance because this would provide a centralized repository for dispute history, a feature disclosed by Pomerance at Abstract.

As to Claim 2, see Rosen at the same cite.

As to claims 3, 4, 9-12, they recite limitations old and well known in dispute resolution or payment arts. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosen to include these features to facilitate customer satisfaction or to provide authentication during a refund process.

As to Claims 5 and 6, Pomerance discloses consideration of shipping in a dispute process. It would hve been obvious to modify Rosen to track shipping to assure that the first party actually received or shipped transaction items. Further non-restitution before shipment would stop inappropriate refunds.

As to Claim 7, see Pomerance at Table 3.

As to Claim 8, observation is made that a cancelled refund check, old and well known constitutes proof of refund.

As to Claim 13, Pomerance discloses not as described items at Table 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosen to consider such complaints to enhance customer satisfaction.

As to Claim 14, Pomerance discloses desire to dispute at para. 6. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosen with this feature to allow merchants flexibility in resolution.

As to Claim 15, Pomerance discloses providing evidence at para. 88.

As to claim 16, Pomerance discloses investigation and notification at Fig. 7 and paras. 97-102.

As to Claims 17-40, they recite method and machine readable variations on Claims 1-16 and lack inventive step for similar reasons.

Claims 24-39 industrial applicability as defined by PCT Article 33(4). They do not recite any particular technological feature placing them in the technological arts.

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**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

The phrases "network based facility system" recited by Claims 17-23 and "network based facility" recited by Claims 1-16 and 24-40 make unclear the nature of the claimed invention as apparatus or method.